

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**DIANNE WALLA,**

**Plaintiff,**

**MASTER FILE: 1:06-MD-1789-JFK**

**vs.**

**Case No.: 1:07-cv-03792**

**MERCK & CO., INC., et al.**

**Defendant.**

---

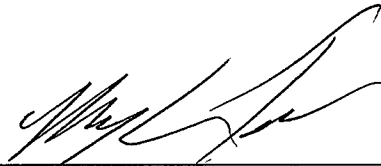
**MOTION FOR REMAND**

COMES NOW the plaintiff, DIANNE WALLA ("Plaintiff"), Individually, by and through her undersigned attorneys, and moves this Court, pursuant to Case Management Order No. 14 and 28 U.S.C. § 1447(c), for an order remanding this cause of action to the Circuit Court of Cook County in the State of Illinois, as the Removal of the action based on diversity of citizenship was erroneous, as there is not a complete diversity of citizenship between the Plaintiff and the Defendants and the non-diverse Defendants, WALGREEN COMPANY, an Illinois corporation, and K MART CORPORATION OF ILLINOIS, an Illinois corporation, are neither sham nor fraudulently joined defendants.

This motion is based on U.S.C. § 1447(c), the Memorandum of Points and Authorities attached hereto, and the Court's file in this action.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed electronically this 21<sup>st</sup> day of March, 2008, using the Court's CM/ECF system, which will notify all counsel of record.



---

Meghan M. Tans, Florida Bar No. 0888745  
Levin Papantonio, et al.  
316 S. Baylen Street  
Sixth Floor  
Pensacola, FL 32502  
(850) 435-7000 phone (850) 435-7004 fax